

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: C.R. BARD, INC.  
PELVIC REPAIR SYSTEM  
PRODUCTS LIABILITY LITIGATION

MDL No. 2187

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THIS DOCUMENT RELATES TO

*Jill L. Dewey, et al. v. C.R. Bard, Inc., et al.*

2:12-cv-01025

**MEMORANDUM OPINION AND ORDER**

On August 9, 2019, I granted a motion to show cause filed by C.R. Bard, Inc. (“Bard”) and Tissue Science Laboratories Limited (“TSL”). [ECF No. 41]. In the motion to show cause, Bard and TSL asserted that plaintiffs’ case should be dismissed with prejudice for failure to comply with court orders, including the failure to timely provide the defendants with required pretrial discovery in violation of Pretrial Order Number 297.

The court entered the Show Cause Order on August 9, 2019, directing plaintiffs to show cause on or before August 23, 2019, why Bard and TSL should not be dismissed. [ECF No. 41]. Plaintiffs, who are *pro se*, responded to the show cause order on August 23, 2019 [ECF No. 42], and Bard and TSL replied on August 30, 2019 [ECF No. 42].

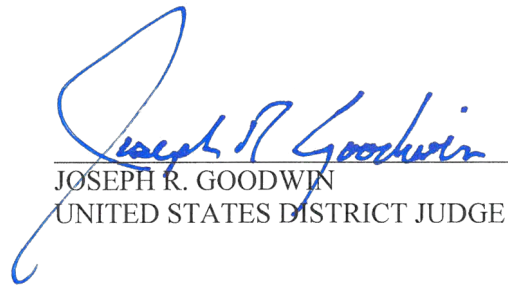
Upon consideration of the response and reply to the show cause order and given the circumstances in this case, the court finds, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure and after weighing the factors identified in *Wilson v. Volkswagen of Am., Inc.*, 561 F.2d 494, 503-06 (4th Cir. 1977), that this case should

be dismissed without prejudice for plaintiffs' failure to comply with discovery deadlines in compliance with the court's previous pretrial orders.

Therefore, the court **ORDERS** that Bard and TSL are dismissed without prejudice. No other defendants remain, and this case is stricken from the docket and closed.

The court **DIRECTS** the Clerk to send a copy of this order to counsel of record and plaintiffs at their last known address.

ENTER: September 12, 2019



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE